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REMARKS

Responsive to the Office Action mailed December 30, 2005, Applicants provide the following. Twenty (20) claims remain pending in the application: Claims 1-20.

Reconsideration of claims 1-20 in view of the remarks below is respectfully requested.

By way of this response, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Claim Rejections - 35 U.S.C. § 102

1. Claims 1-3, 7-10, 17-18 and 20 stand rejected under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent Application Publication No. 2004/0036811 (Ikeguchi).

Attached herewith is a Declaration from the Applicant, Peter Rae Shintani, pursuant to 37 C.F.R. 1.131 (referred to below as the 131 Declaration). The 131 Declaration and accompanying Exhibit A factually demonstrate that the invention was conceived in the United States of America, a NAFTA and WTO member country, prior to the August 18, 2003 effective date of the Ikeguchi reference, that Applicant diligently prepared an Invention Disclosure form that was forwarded by the Assignee to outside counsel prior to the effective date of the Ikeguchi reference, and that the subject application was prepared and filed shortly thereafter. Therefore, the 131 Declaration factually demonstrates diligence at least from just prior to the August 18, 2003 effective date of the Ikeguchi reference through the filing of the subject application on October 17, 2003. Attached as Exhibit A to the 131 Declaration is an Invention Disclosure form prepared by Applicant prior to the effective date of the Ikeguchi application (dates have been blocked out pursuant to MPEP 715.07). Exhibit A shows that the inventor conceived the subject matter claimed in the subject patent application prior to August 18, 2003, where support for claims 1-20 can be found in Exhibit A at least on page 4, paragraph 2-3 stating in part:

modify the auto program add feature ... to execute a selective autoprogram
add for either the digital terrestrial or the digital cable systems. Furthermore ... the local
cable system has a proprietary control system that allows the cable operator to seamlessly

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move the digital channels about in their cable system while remaining transparent to the user [for] the reassignment of digital cable channels ... select to do an autoprogram add for either digital cable or for digital terrestrial ... The receiver would then execute the appropriate autoprogram channel search. This will reduce the number of actual physical channels and modulation schemes that the TV receiver will have to check during an autoprogram search ... looking for familiar names in the digital streams ... the physical RF channel number is associated with the program, and this is typical amongst the analog terrestrial broadcasts ... identify a digital channel by the name of the channel rather than by the RF channel number ... monitoring the availability of the digital channels, in the background or even at night, and when a channel disappears, it can use this as a trigger to self-execute a digital cable autoprogram add.

Therefore, the 131 Declaration clearly explains which facts or data Applicant is relying on to show completion of the invention prior to the August 18, 2003 effective date of the Ikeguchi reference. Additionally, the 131 Declaration factually demonstrates that the Applicant fully explained the invention to outside counsel prior the August 18, 2003 effective date of the Ikeguchi reference so that outside counsel could prepare the subject application.

Further, the 131 Declaration factually demonstrates diligence in the preparation of the subject application at least from just prior to August 18, 2003 until the filing of the subject application in that upon completion of the Invention Disclosure form of Exhibit A, the Invention Disclosure form was submitted to the Intellectual Property Department of Sony Electronic Inc. where it was evaluated and forwarded to outside counsel prior to the effective date of the Ikeguchi reference. The outside counsel prepared the subject patent application with the help of the Applicant, including the Applicants participation in a conference call with the outside counsel prior to August 18, 2003 where the subject invention was fully described to the outside counsel in detail to allow the outside counsel to prepare the subject application that was filed on October 17, 2003, only two months following the effective date of the Ikeguchi reference during which time the outside counsel was drafting the subject application with the Applicants assistance.

Therefore, the 131 Declaration demonstrates at least conception in the United States of the invention as claimed with a clear explanation of facts demonstrating support for the pending claims, that the invention was completely disclosed to another through the Invention Disclosure of Exhibit A as well as the teleconference with outside counsel prior to the August 18,

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2003 effective date of the Ikeguchi reference, and with a clear demonstration of diligence from just prior to the August 18, 2003 effective date of the Ikeguchi reference while the application was being drafted by outside counsel with Applicant's help until the filing of the subject application on October 17, 2003 only two months following the August 18, 2003 effective date. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of at least claims 1-3, 7-10, 17-18 and 20 based on the Ikeguchi reference.

Furthermore, at least independent claims 1, 9 and 17 are not anticipated by the Ikeguchi reference. For example, claim 1 recites in part:

selecting a first input of a plurality of inputs;
selecting a first single modulation scheme of a plurality modulation schemes
on the first input;
tuning a plurality of channels for the identified single modulation scheme;
determining if a broadcast is received on each of the channels;
recording channels that are determined to receive broadcasts in a channel map
according to the plurality of tuned channels for the identified single modulation scheme;
and
not performing a full auto-program. (Emphasis added).

The Ikeguchi reference fails to teach or suggest at least selecting a first input and selecting a single modulation scheme of a plurality of schemes from the first input as recited in claim 1. The office action suggests that the Ikeguchi reference describes two inputs "Digital tuner 101 and Analog tuner 201" (office action, page 4). Even if you assume arguendo that the digital tuner 101 and analog tuner 201 are separate inputs, the Ikeguchi reference fails to teach or suggest the "selecting a first single modulation scheme of a plurality modulation schemes on the first input" as recited in claim 1. Further, the Ikeguchi reference requires a full channel scan because each of the analog scan and the digital scan relies on the other scan to determine whether to evaluate a specific channel and therefore a full channel scan must be performed.

Therefore, Ikeguchi reference fails to teach each limitation as recited in claim 1, and thus, claim 1 is not anticipated by the Ikeguchi reference.

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Independent claims 9 and 11 include claim language similar to that of claim 1. Therefore, claims 9 and 11 are also not anticipated by the Ikeguchi reference.

Similarly, claims 2-3 and 7-9, claim 10, and claims 18 and 20 depend from claims 1, 9 and 17, respectively. Therefore, claims 2-3, 7-10, 17-18 and 20 are also not anticipated by the Ikeguchi reference due at least to their dependency on allowable independent claims 1, 9 and 17.

Claim Rejections - 35 U.S.C. § 103

2. Claims 4-6, 11-16 and 19 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the Ikeguchi reference. Applicants respectfully traverse these rejections in that the 131 Declaration removes Ikeguchi as a reference. Further, the Ikeguchi application fails to teach or suggest at least each element of at least independent claims 1, 9 and 17. Claims 4-6, 11-16 and 19 depend from claims 1, 9 and 17, respectively, and therefore, claims 4-6, 11-16 and 19 are not obvious in view of the Ikeguchi reference due at least to their dependency on allowable claims 1, 9 and 17.

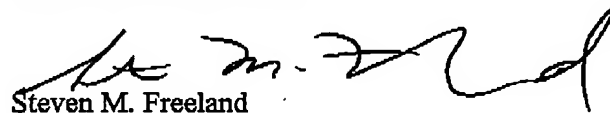
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CONCLUSION

Applicants submit that the above remarks demonstrate that the pending claims are in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Dated: 2-28-06

Respectfully submitted,



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Attachments: Declaration of Peter Rae Shintani Pursuant to 37 C.F.R. 1.131
Exhibit A

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